

# Notice of Allowability

## Application No.

09/985,689

## Examiner

Sheridan L. Swope

## Applicant(s)

HATADA ET AL.

## Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 28, 2004.
2. ☒ The allowed claim(s) is/are 1-4, 10, 15, 20, 31 and 37-40.
3. ☒ The drawings filed on November 4, 2001 & April 28, 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 0603; 0903
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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**DETAILED ACTION**

Applicant's responses, on February 12, 2004 and April 28, 2004, to the First Action on the Merits of this case, mailed June 26, 2003, is acknowledged. It is acknowledged that applicants have cancelled Claims 5-9, 11-14, 16-19, 21-30, and 32-36 and added New Claims 37-40. Claims 1-4, 10, 15, 20, 31, and 37-40 are pending. In the action of June 26, 2003, Claims 3, 4, 20, 31 were withdrawn. New Claims 37-40 are deemed encompassed by the elected invention. As discussed below, Claims 1, 2, 10, 15, 37-40 are drawn to allowable subject matter comprising the elected species. Therefore, Claims 3, 4, 20, 31, which recite additional species encompassed by the generic subject matter, are hereby rejoined. Claims 1, 2, 10, and 15 are hereby reexamined and Claims 3, 4, 20, 31, and 37-40 are examined on their Merits.

***Allowable Subject Matter***

Claims 1-4, 10, 15, 20, 31, and 37-40 are allowed.

The following is an examiner's statement of reasons for allowance:

All elected Claims, 1-4, 10, 15, 20, 31, and 37-40, are limited to polypeptides having alkaline protease activity wherein the polypeptide has the sequence of SEQ ID NO: 1 or variants thereof. The utility of said polypeptides, as having alkaline protease activity, is credible based on expression in heterologous host cells and analysis by an enzymatic assay (Fig 1-3).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan L. Swope whose telephone number is 571-272-0943.

The examiner can normally be reached on M-F; 9:30-7 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Sheridan Lee Swope, Ph.D.

  
REBECCA E. PRIDDY  
PRIMARY EXAMINER  
GROUP 1000  
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